IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 773 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18-02-1998 in W.P. No. 4457 of 1998 on the file of the High Court.)

Between:

1. A.P.S.R.T.C. represented by its Vice Chairman & Managing Director, Hyderabad.
2. Executive Director, APSRTC, Vizianagaram.
3. Regional Manager, APSRTC, Visakhapatnam.
4. Divisional Manager, APSRTC, Visakhapatnam.

APPELLANTS

AND:

Velugula Punyavathi, wife of late V.Narasinga Rao, aged 39 years,

resident of Kothapeta, Kummari Veedhi, Vizianagaram.

RESPONDENT.

Counsel for the Appellants: MR.R.MANMADHA REDDY (SC FOR APSRTC)

Counsel for the Respondent: DR.P.B.VIJAY KUMAR.

The Court made the following:

JUDGMENT : (Per Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the Corporation-appellants herein aggrieved by the order in W.P. No: 4457 of 1998, under which the learned single Judge disposed of the said writ petition to the extent indicated therein.

The respondent herein is the writ petitioner. Originally, the writ petitioner who is the wife of the deceased filed the writ petition seeking direction to the corporation to appoint her eldest son in any suitable vacancy with all consequential and attendant benefits. The learned single Judge having considered the rival contentions and the material available on record, disposed of the matter with a direction to the Corporation to consider the application of the writ petitioner for appointment to the post of Attender/Sweeper or to any other suitable post in Class IV services of the Corporation, compassionately. Aggrieved by the same, the Corporation preferred this appeal.

Heard the learned counsel.

It is contended by the learned counsel for the Corporation that there are no vacancies to consider the case of the petitioner and therefore, her case cannot be considered.

We have perused the entire material available on record and the order impugned.

There is no dispute that the petitioner is the wife of the deceased employee who died in the year 1992. In this view of the matter and in the facts and circumstances of the case, without expressing any opinion on the merits of the case, We feel it appropriate to modify the order of the learned single Judge to the extent as indicated below:

“The Corporation-appellants shall consider the case of the writ petitioner for appointment to the post of Attender/Shramik in the next immediate arising vacancy.”

Subject to the above modification, this writ appeal is disposed of.

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Justice T.Meena Kumari

Date : 08th February, 2005.

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to :

1. The Vice Chairman & Managing Director,A.P.S.R.T.C. Hyderabad.

2. Executive Director, APSRTC, Vizianagaram.

3.TheRegional Manager, APSRTC, Visakhapatnam.

4.The Divisional Manager, APSRTC, Visakhapatnam.

5.Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No. 773 of 1998

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

08th February, 2005